

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0577-01
Bill No.: HB 76
Subject: Law Enforcement Officers and Agencies; Telecommunications
Type: Original
Date: February 2, 2015

Bill Summary: This proposal requires uniformed law enforcement officers to wear a video camera and imposes a 1% sales tax for these associated expenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue*	(\$127,088)	\$0	\$0
Total Estimated Net Effect on General Revenue*	(\$127,088)	\$0	\$0

* Transfers In and expenditures net to zero in FY 2017 and FY 2018

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Peace Officer Video Camera Sales Tax	Less than \$517,888,689	Less than \$650,945,281	Less than \$650,925,568
Conservation*	\$0	\$0	\$0
Highway*	\$0	\$0	\$0
Gaming*	\$0	\$0	\$0
Water Patrol*	\$0	\$0	\$0
Other*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$517,888,689	Less than \$650,945,281	Less than \$650,925,568

* Expenditures and Transfers In net to zero

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 15 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Expenditures and Transfers In net to zero

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	2 FTE	2 FTE	2 FTE
Highway Funds	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	4 FTE	4 FTE	4 FTE

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government*	\$0	\$0	\$0

* Expenditures and Transfers In from the state's Peace Officer Video Camera Sales Tax Fund would net to zero.

FISCAL ANALYSIS

ASSUMPTION

Section 144.020 - Peace Officer Video Camera Sales Tax Fund:

Officials from the **Office of Administration - Budget and Planning (B&P)** state in FY 2014, the state collected \$1.964 billion in general sales and use taxes. Adding a 1% tax to all sellers of tangible personal property or taxable services at retail, would result in \$545.8 million for FY 2016 (10 months) and \$655 million annually thereafter for the Peace Officer Video Camera Sales Tax Fund.

Officials from the **Department of Revenue (DOR)** state this section increases the sales tax by one percent on all sellers of tangible personal property or taxable services at retail. In FY 2014, DOR collected \$1.965 billion at the general sales and use tax rate of three percent. Increasing the sales and use tax by a rate of one percent would result in \$655 million annually.

DOR states this would require programming, notification to approximately 150,000 businesses, and form changes. In addition, DOR must send approximately 35.960 voucher booklets to monthly and quarterly one location and two location filers. In summary, DOR assumes an administrative cost of \$127,088 in FY 2016 to prepare for the new sales tax.

Oversight will assume the new sales tax will not reimburse DOR for the administrative expense of preparing for the new tax.

Section 590.715 - Body Cameras:

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state this legislation would require the MHP to outfit 1,263 officers (1,039 officers, 120 CVO/CVI officers, and 104 command staff) with the following technology along with 147 servers and supporting software. Twenty-three of the 147 servers and supporting software will be needed at the CVE scale houses, and the remaining 124 (23+124 = 147) will be installed in zone offices and troop headquarters. Cost estimates are as follows:

FirstVu HD Advanced Body Camera Video Systems (1,263 x \$695)	\$877,785
147 VuVault Server Software Licenses (147 x \$995)	\$146,265
147 Servers (147 x \$5,000)	\$735,000
147 Windows Servers Licenses (147 x \$2,300)	\$338,100
147 Sequel Server License (147 x \$2,000)	\$294,000
	<u>\$2,391,150</u>

ASSUMPTION (continued)

The total cost for the initial equipment would be \$2,391,150. This cost would be proportionately divided between the General Revenue Fund (4.9%), Highway Funds (82.9%), Gaming Funds (10.2%) and the Water Patrol Fund (2%).

The life expectancy of this type of unit is two to three years. Therefore, the MHP suggests replacing one-third of these units annually ($1,263/3 = 421$). It is suggested to have a full replacement of these units due to continual upgrades to cameras and hard drives.

The Information and Communication Technology Division (ICTD) of the Highway Patrol will be required to hire two additional FTE (one Computer Information Technologist I (at \$35,844 annually) and one Computer Information Technologist III (at \$44,712 annually)) to implement and maintain this mission critical application. These specialists will be responsible for working with the network and server group to install and configure the servers and other related hardware necessary for the smooth operation of this technology. In addition, they would be responsible for training officers on the usage, care, and maintenance of the video equipment and instructing officers on basic troubleshooting and repair of the video equipment. The cost for the FTE would be out of Highway Funds.

There will be recurring costs of \$650 per year per FTE for office supplies and phone charges and no standard equipment charges would be required.

Officials from the **Department of Public Safety - Division of Fire Safety (DPS - FS)** state currently employ 20 uniformed law enforcement employees who would be impacted by this legislation. Seventeen of these staff work from their homes located throughout the state. Due to their locations, it is impossible for them to share equipment required by this legislation.

Section 590.715 requires law enforcement officers to make audio recordings in conjunction with a video recording in the ordinary course of the officer's duties. The Division's law enforcement personnel conduct fire scene investigations and related interviews, and would therefore be required to wear the cameras. According to 590.715, all Division of Fire Safety law enforcement personnel would be required to catalogue and preserve these recordings.

If each of these employees were required to be equipped with a camera, and have the software and storage capabilities required, the cost to the Division would be approximately \$47,100 in the first year, and \$14,090 and \$14,321 for 2017 and 2018 respectively for replacement and maintenance of this equipment. Also included in this cost is the replacement of very old laptops for these field staff. Current equipment is 5-10 years old and would be unreliable.

ASSUMPTION (continued)

Officials from the **Department of Public Safety - Capitol Police (DPS-CP)** state they would incur expenses regarding the body cameras, and storage of data. The DPS-CP assumes a total cost to the General Revenue Fund of \$38,525 in FY 2016, \$6,950 in FY 2017, and \$6,950 in FY 2018.

Officials from the **Department of Social Services - State Technical Assistance Team (DOSS - STAT)** state Section 590.715, RSMo will require all law enforcement officers of the state, to wear a video camera affixed to their uniform while on duty - capable of recording audio and video of interactions between the law enforcement officer and members of the public.

The following amounts are based on one of the body cameras currently under review by the Missouri State Highway Patrol. One body camera, with durability of lasting two years, will cost \$695 per officer. STAT has 10 commissioned peace officers on staff, $\$695 \times 10 = \$6,950$ biennially. It is assumed the funding for these cameras will come from the created special fund. If the special fund has not collected enough revenue for the first year, costs may have to be absorbed by general revenue. The costs associated with licensures will be calculated according to regular funding splits. Camera software licenses are $\$995 \times 10 = \$9,950$. Windows licenses are $\$138 \times 10 = \$1,380$. The cameras also require the video component to be stored and kept for at least 30 days; the cost of a server is \$5,000 and \$5,000 for server software.

The impact for SFY16 is estimated at \$28,281 (GR \$13,865; FF \$7,466; Other \$6,950). SFY17 \$16,739 (GR \$10,880; FF \$5,859); SFY18 \$24,107 (GR \$11,152; FF \$6,005; Other \$6,950). Costs are split between General Revenue, Federal Funds, and Other.

Officials from the **Department of Natural Resources (DNR)** state this proposal would require all peace officers to wear a video camera while on duty to record any interaction between a law enforcement officer and a member of the public and to preserve the recording for 30 days.

Missouri State Parks employs 44 State Park Rangers throughout the State Park System. To ensure continual compliance, we assume our initial order of equipment would need a 10% contingency to ensure sufficient equipment is on hand for breakage. Additionally, we anticipate a replacement cycle of 33% per year. The current model of body camera is on a state agency contract for \$795. We also need to purchase back up batteries for each camera to ensure that our Rangers do not run out of battery during their shift. We assume the same replacement cycle for the back-up batteries.

In addition, DNR assumes the need for a remote server for video capture in 35 DNR locations. These 35 servers (plus associated hardware and operating system licenses) is expected to cost

ASSUMPTION (continued)

\$192,500 in FY 2016. Also in addition, DNR assumes the need for 35 backup appliances for video storage based on the need to backup the 30 day volume of video in case of remote server failure with a cost of \$291,667 in FY 2016, \$358,750 in FY 2017 and \$367,719 in FY 2018.

In summary, DNR assumes a cost of \$569,327 in FY 2016, \$419,022 in FY 2017 and \$429,583 in FY 2018 to the new Peace Officer Video Camera Sales Tax Fund.

Officials from the **Missouri Department of Conservation (MDC)** state they have around 200 sworn law enforcement personnel in their department. This includes conservation agents, supervisors, and other personnel. MDC assumes they would incur costs of more than \$100,000 from this proposal.

According to budget submissions, the MDC is requesting 159 Conservation Agents for Fiscal Year 2016. Using the MHP's estimate of \$695 each for these cameras, **Oversight** assumes this would cost MDC approximately \$110,505 to purchase (159 x \$695). In addition, numerous servers, licenses, and applicable software would be needed to ensure the system functions correctly. Again, using MHP's estimate of an additional \$1,200 per officer for all the necessary support equipment, this would equate to an additional \$190,800 in initial expenditures (159 x \$1,200). Also using MHP's assumption of the need to replace 1/3 of the cameras each year would result in an ongoing cost of \$36,835 (159 / 3 x \$695) per year.

Officials from the **Office of the State Treasurer (STO)** state there would be no impact to their agency; however, there is no fund administrator designated in the bill. If the administrator is intended to by the STO, there would be fiscal impact to the agency.

Officials from the **Department of Public Safety - Alcohol and Tobacco Control** assume the proposal would not fiscally impact their agency.

Officials from the **Boone County Sheriff's Department** provided the following cost estimate:

49 body cameras at \$500 each	\$24,500
server storage upgrade	\$ 8,000
extended warranty	\$ 2,450
Misc. hardware, software, remote installation:	<u>\$ 6,000</u>
Total initial equipment cost	\$40,905

This does not take into consideration maintenance or future replacement costs. Also, policy development and training would add an additional \$2,100 to the initial implementation costs.

ASSUMPTION (continued)

Officials from the **St. Charles County Government** state our local government estimates the annual cost to outfit St. Charles County law enforcement officers with body cameras and to also catalog and store the data to fall within the estimated range set out below based on the amount of storage and level of services required. The County would need 310 cameras, allowing two per officer, in order that the officers can wear one camera while the other recharges and downloads video, and in that our officers do not report daily before and after shifts at police headquarters. The first year's cost would include all of the necessary equipment and installation services.

Year 1:	\$356,400	to	\$442,500
Year 2:	\$38,940	to	\$221,760
Year 3:	\$38,940	to	\$221,760

The second and following years' annual costs include maintenance, support, storage, and archiving / cataloging capabilities and will continue for the duration of the contracted service and as long as the cameras remain in use.

Unless state legislation is enacted to restrict open access to law enforcement body camera videos, St. Charles County would require an additional full-time employee to evaluate and administer all body camera video requests under the current Missouri Sunshine Law. The employee would need to be at a level to understand and apply open meetings law exceptions.

Year 1 salary and benefits: \$79,750.00

The annual cost of this employee would continue, including any yearly salary or benefit increases, until such time as open access to body camera videos would be sufficiently restricted by law.

In response to a similar proposal from this year (SB 21) that requires body cameras to be worn, officials from the **Springfield Police Department** estimated a \$250,000 initial expense, plus an additional \$250,000 per year for storage fees, as well as \$37,913 for an additional staff person to manage the sunshine law requests.

Oversight notes that according to the Department of Public Safety, there are 14,780 active, full-time, commissioned peace officers along with 2,737 commissioned reserve peace officers (part-time, with power of arrest but working less than 30 hours per week) in Missouri. Taking away the approximately 1,400 peace officers working for the state (between the Missouri Highway Patrol, Fire Safety, Capitol Police, Department of Natural Resources, Missouri Department of Conservation, and the Department of Social Services - State Technical Assistance Team) would

ASSUMPTION (continued)

leave approximately 16,000 peace officers ($14,780 + 2,737 - 1,400$) in Missouri that are not employed by the state. Oversight will assume that 80 percent of these do not already have body cameras in use and therefore, local law enforcement agencies would need to purchase body cameras and necessary support equipment/software/licenses for 12,800 officers ($16,000 \times 80\%$).

Using the MHP's estimate of \$695 each for these cameras, **Oversight** assumes this would cost local law enforcement agencies approximately \$8,896,000 to purchase ($12,800 \times \695). In addition, numerous servers, licenses, and applicable software would be needed to ensure the system functions correctly. Again, using MHP's estimate of an additional \$1,200 per officer for all the necessary support equipment, this would equate to an additional \$15,360,000 in initial expenditures ($12,800 \times \$1,200$). Also using MHP's assumption of the need to replace 1/3 of the cameras each year would result in an ongoing cost of \$2,965,000 ($12,800 / 3 \times \695) per year.

In addition, some of the law enforcement agencies would be required to hire additional staff to administer the body cameras and related systems as well as sunshine requests. **Oversight** does not have an estimate regarding how many of the 667 law enforcement agencies in the state would need to hire an additional person to administer the program and how many are large enough to require hiring more than one person. Therefore, Oversight will reflect the cost of the additional FTE to be Unknown. If the amount of additional FTE needed by the local law enforcement averaged one per agency (some of the smaller agencies not needing an additional FTE and some of the larger agencies needing more than one) this could total over \$26 million ($667 \times \$40,000$) plus fringe benefits per year.

Oversight will assume the Department of Public Safety - Office of the Director (DPS) will administer the new fund and approve disbursements to the state agencies as well as local law enforcement agencies for body cameras and supplies. According to the DPS, there are 667 law enforcement agencies in the state. DPS did not provide an administrative costs estimate regarding this program, but Oversight would assume at least two FTE would be needed. Oversight estimates costs for two FTE (each at \$45,000 annually) plus fringe benefits and expense & equipment would total approximately \$150,000 annually. Due to the size of the new fund, Oversight will reflect a cost to DPS of at least \$150,000 annually to administer the program.

This proposal will increase Total State Revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Transfer In</u> - from the Peace Officer Video Camera Sales Tax Fund	At least \$936,752	At least \$616,232	At least \$627,297
<u>Costs</u> - DOR			
Costs associated with implementing the new 1% sales tax	(\$127,088)	\$0	\$0
<u>Costs</u> - DPS			
To administer the program (2 FTE plus fringe benefits plus expenses)	(At least \$150,000)	(At least \$150,000)	(At least \$150,000)
<u>Costs</u> - DPS - MHP			
Costs associated with body cameras	(\$117,935)	(\$15,290)	(\$15,290)
<u>Costs</u> - DPS - Fire Safety			
Costs associated with body cameras	(\$47,100)	(\$14,090)	(\$14,321)
<u>Costs</u> - DPS - Capitol Police			
Costs associated body cameras	(\$38,525)	(\$6,950)	(\$6,950)
<u>Costs</u> - DOSS - STAT			
Costs associated body cameras	(\$13,865)	(\$10,880)	(\$11,152)
<u>Costs</u> - DNR			
Body Cameras & batteries	(\$50,160)	(\$17,222)	(\$17,739)
Remote Servers and other IT costs	<u>(\$519,167)</u>	<u>(\$401,800)</u>	<u>(\$411,845)</u>
<u>Total Costs</u> - DNR	<u>(\$569,327)</u>	<u>(\$419,022)</u>	<u>(\$429,584)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$127,088)</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change for the General Revenue Fund	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2016 (10 Mo.)	FY 2017	FY 2018
PEACE OFFICER VIDEO CAMERA SALES TAX FUND			
<u>Revenue</u> - Department of Revenue 1% sales tax on tangible personal property & taxable services (§144.020)	\$545,800,000	\$655,000,000	\$655,000,000
<u>Transfer Out</u> - General Revenue Fund	At least (\$936,752)	At least (\$616,232)	At least (\$627,297)
<u>Transfer Out</u> - Conservation Commission Fund	(\$301,305)	(\$36,835)	(\$36,835)
<u>Transfer Out</u> - Highway Fund	(\$2,108,193)	(\$395,348)	(\$396,900)
<u>Transfer Out</u> - Gaming Fund	(\$243,385)	(\$29,885)	(\$29,885)
<u>Transfer Out</u> - Water Patrol Fund	(\$48,260)	(\$5,560)	(\$5,560)
<u>Transfer Out</u> - Other Funds	(\$9,950)	\$0	(\$6,950)
<u>Transfer Out</u> - Federal Funds	(\$7,466)	(\$5,859)	(\$6,005)
Transfer Out - to local political subdivisions	(More than <u>\$24,256,000</u>)	(More than <u>\$2,965,000</u>)	(More than <u>\$2,965,000</u>)
ESTIMATED NET EFFECT TO THE PEACE OFFICER VIDEO CAMERA SALES TAX FUND	Less than <u>\$517,888,689</u>	Less than <u>\$650,945,281</u>	Less than <u>\$650,925,568</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2016 (10 Mo.)	FY 2017	FY 2018
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CONSERVATION COMMISSION

<u>Transfer In</u> - from the Peace Officer Video Camera Sales Tax Fund	\$301,305	\$36,835	\$36,835
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<u>Costs</u> - MDC - Body Cameras and supporting software, licenses, servers as well as replace 1/3 of cameras each year. (590.705)	<u>(\$301,305)</u>	<u>(\$36,835)</u>	<u>(\$36,835)</u>
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ESTIMATED NET EFFECT TO THE CONSERVATION COMMISSION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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HIGHWAY FUNDS

<u>Transfer In</u> - from the Peace Officer Video Camera Sales Tax Fund	\$2,108,193	\$395,348	\$396,900
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<u>Costs</u> - DPS - MHP			
Personal Services (2 FTE)	(\$67,130)	(\$81,362)	(\$82,175)
Fringe Benefits	(\$58,410)	(\$70,793)	(\$71,500)
Expense & Equipment	(\$1,083)	(\$1,333)	(\$1,365)
Costs associated with body cameras	<u>(\$1,981,570)</u>	<u>(\$241,860)</u>	<u>(\$241,860)</u>
<u>Total Costs - MHP</u>	<u>(\$2,108,193)</u>	<u>(\$395,348)</u>	<u>(\$396,900)</u>
FTE Changes - MHP	2 FTE	2 FTE	2 FTE

ESTIMATED NET EFFECT TO HIGHWAY FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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Estimated Net FTE Change for the Highway Funds	2 FTE	2 FTE	2 FTE
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<u>FISCAL IMPACT - State Government</u> (continued)	FY 2016 (10 Mo.)	FY 2017	FY 2018
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GAMING FUND

<u>Transfer In</u> - from the Peace Officer Video Camera Sales Tax Fund	\$243,385	\$29,885	\$29,885
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<u>Costs</u> - DPS - MHP Costs associated with body cameras	<u>(\$243,385)</u>	<u>(\$29,885)</u>	<u>(\$29,885)</u>
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ESTIMATED NET EFFECT TO GAMING FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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WATER PATROL FUND

<u>Transfer In</u> - from the Peace Officer Video Camera Sales Tax Fund	\$48,260	\$5,560	\$5,560
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<u>Costs</u> - DPS - MHP Costs associated with body cameras	<u>(\$48,260)</u>	<u>(\$5,560)</u>	<u>(\$5,560)</u>
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ESTIMATED NET EFFECT TO WATER PATROL FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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OTHER FUNDS

<u>Transfer In</u> - from the Peace Officer Video Camera Sales Tax Fund	\$6,950	\$0	\$6,950
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Costs - DOSS - STAT Costs associated body cameras	<u>(\$6,950)</u>	<u>\$0</u>	<u>(\$6,950)</u>
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ESTIMATED NET EFFECT TO OTHER FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - State Government</u> (continued)	FY 2016 (10 Mo.)	FY 2017	FY 2018
FEDERAL FUNDS			
<u>Transfer In</u> - from the Peace Officer Video Camera Sales Tax Fund	\$7,466	\$5,859	\$6,005
<u>Costs</u> - DOSS - STAT Costs associated body cameras	<u>(\$7,466)</u>	<u>(\$5,859)</u>	<u>(\$6,005)</u>
ESTIMATED NET EFFECT TO FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In</u> - from the state's Peace Officer Video Camera Sales Tax Fund	More than \$24,256,000	More than \$2,965,000	More than \$2,965,000
<u>Costs</u> - Body cameras and ongoing replacement	(\$8,896,000)	(\$2,965,000)	(\$2,965,000)
<u>Costs</u> - supporting equipment, servers, licenses, software, etc. for body cameras	(\$15,360,000)	\$0	\$0
<u>Costs</u> - Additional FTE may be needed to administer the body cameras	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal imposes an additional tax of 1% on the amount paid for all tangible personal property or taxable services that would otherwise be taxable under this section. The bill creates the "Peace Officer Video Camera Sales Tax Fund," which receives all revenue collected from the additional tax of 1%.

The bill requires all uniformed law enforcement officers in Missouri to wear a video camera affixed to his or her uniform while on duty. The video camera must record the interaction between a law enforcement officer and a member of the public. The recording must include both audio and video.

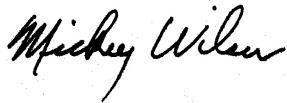
All law enforcement agencies must preserve any recordings made by a video camera for a minimum of 30 days and must develop any policies and procedures necessary to execute these provisions.

These provisions cannot apply to detectives or other law enforcement officers while they are working in an undercover capacity or to any law enforcement officer in any situation where the wearing of the video camera would endanger the safety of the officer or the public.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Department of Revenue
Office of Administration
 Office of Administration - Budget and Planning
Office of the State Treasurer
Missouri Department of Conservation
Department of Natural Resources
Department of Social Services
Boone County Sheriff's Department
St. Charles County
Springfield Police Department



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Ross Strobe
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